

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

**DAWN ELAINE, for herself and a
class,**

Plaintiff,

v.

**CREDIT CONTROL, LLC,
LVNV FUNDING, LLC,
RESURGENT CAPITAL SERVICES,
LP and ALEGIS GROUP LLC,**

Defendants.

Case No.:

2:15-cv-01271-RAL

**DEFENDANTS, CREDIT CONTROL, LLC, LVNV FUNDING, LLC, RESURGENT
CAPITAL SERVICES, LP AND ALEGIS GROUP, LLC'S
RESPONSE IN OPPOSITION TO PLAINTIFF'S REQUEST FOR
ATTORNEYS' FEES AND COSTS**

NOW COME Defendants, Credit Control, LLC, LVNV Funding, LLC, Resurgent Capital Services, LP and Alegis Group, LLC, by and through their attorneys, Marshall Dennehey Warner Coleman & Goggin, P.C., and hereby submit the following memorandum of law in opposition to Plaintiff, Dawn Elaine's request for payment of attorneys' fees and costs, stating as follows:

I. INTRODUCTION AND PROCEDURAL HISTORY.

On March 11, 2015, Plaintiff, Dawn Elaine ("Plaintiff") filed a Class Action Complaint against Defendants, Credit Control, LLC, LVNV Funding, LLC, Resurgent Capital Services, LP and Alegis Group, LLC ("Defendants") in the United States District Court for the Eastern District of Pennsylvania, at docket number 2:15-cv-01271-WB, alleging that a letter that Credit Control, LLC sent her regarding a debt obligation owed by her to LVNV Funding, LLC, which was

previously owed to HSBC Bank Nevada, N.A. violated the Fair Debt Collection Practices Act, 15 U.S.C. 1692, *et seq.* ("FDCPA").

On or about July 8, 2016, the parties came to an agreement to settle the matter on a class basis. On November 21, 2016, Magistrate Judge Richard A. Lorette directed counsel for Plaintiff to submit to counsel for Defendants updated invoices regarding Plaintiff's counsel's billable time on the matter. Judge Lloret also directed counsel for Plaintiff to provide the Court with a brief by December 16, 2016 regarding Defendants' disputes to Plaintiff's counsel's invoices.

It is Defendants' position that the amount of \$131,697.53 (\$68,281.68 from Edelman, Combs, Lattuner & Goodwin LLC and \$63,415.85 from Sabatini Law Firm, LLC) sought by Plaintiff's counsel for fees and costs is unreasonable. The amount sought is unreasonable and should be reduced for the following reasons:

1. It is based on rates for Plaintiff's counsel (seven Partners from Edelman, Combs, Lattuner & Goodwin, LLC, one Partner and one Associate from Sabatini Law Firm, LLC) that exceed the reasonable and prevailing rates for attorneys with similar experience and skills *in this District*; and
2. It includes unreasonable time spent for clerical tasks, intra-attorney conferences and communications, including such communications with local counsel, and duplicate time entries.

II. ARGUMENT

Under the FDCPA, a plaintiff who prevails in prosecuting his claim is entitled to recover reasonable attorneys' fees. See 15 U.S.C. § 1692k(a)(3); Murphy v. Receivable Mgmt. Servs. Corp., 2013 U.S. Dist. LEXIS 65402, *2 (E.D. Pa. May 8, 2012); Zavodnick v. Gordon & Weisberg, P.C., 2012 U.S. Dist. LEXIS78868, *9 (E.D. Pa. June 6, 2012). In determining whether to award attorneys' fees, the court ordinarily "must conduct a 'thorough judicial review' of class counsels' request for attorneys' fees." Good v. Nationwide Credit, Inc., 2016 U.S. Dist. LEXIS 32154 at *161 (E.D. Pa. Mar. 14, 2016) citing Perry v. FleetBoston Fin. Corp., 229 F.R.D. 105, 118 (E.D. Pa. 2005). Further, determining an appropriate award of reasonable attorneys' fees under the FDCPA begins with examination of the "lodestar" – that is, multiplying the number of hours reasonably expended by a reasonable hourly rate. Id. (citing McKenna v. City of Philadelphia, 582 F.3d 447, 455 (3d Cir. 2009) (quoting Hensley v. Eckerhart, 461 U.S. 424, 433, 103 S. Ct. 1933, 76 L. Ed. 2d 40 (1983))). The lodestar "is a presumptively reasonable fee, but it may still require subsequent adjustment." United Auto. Workers Local 259 Soc. Sec. Dept. v. Metro Auto Ctr., 501 F.3d 283, 290 (3d Cir. 2007).

In this case, as set forth below, it is clear that Plaintiff's lodestar requires a significant downward adjustment.

A. PLAINTIFF'S COUNSEL'S FEES MUST BE REDUCED TO REFLECT REASONABLE ATTORNEYS' RATES AND REASONABLE TIME EXPENDED IN LITIGATING PLAINTIFF'S CLAIMS.

Plaintiff's counsel has provided two invoices, which allegedly reflect the fees and expenses incurred by two law firms throughout the litigation of this matter. (See Plaintiff's counsel's invoices, which are attached hereto and marked as Exhibit "A" (Edelman) and Exhibit "B" (Sabatini)). The invoices reveal both inflated rates sought by seven Partners from Edelman, Combs, Latturner & Goodwin, LLC, one Partner and one Associate from Sabatini Law Firm, LLC and unreasonable hours expended in a relatively simplistic and straightforward FDCPA class action lawsuit. A significant amount of the fees sought pertain to clerical work and inter-office communications between the attorneys, as well as communications between attorney Francis Greene, Esq. of Edelman, Combs, Latturner & Goodwin LLC and Plaintiff's local counsel, Carlo Sabatini, Esq. of Sabatini Law Firm, LLC.

For these reasons, and as explained in depth below, a majority of the claimed fees are unreasonable, and these fees should be significantly reduced to a reasonable number of hours expended, while also reflecting a reasonable rate for each attorney involved.

1. The Rates Sought By Plaintiff's Counsel Are In Excess Of Prevailing Rates For Similarly-Experienced Attorneys In Litigating FDCPA Class Action Matters In Pennsylvania And The Third Circuit.

The billing records for Plaintiff's counsel at Edelman, Combs, Latturner & Goodwin LLC, a law firm operating out of Chicago, Illinois, show that the

following seven (7) Partners at the firm billed time on the current matter at the following rates¹:

Daniel A. Edelman	\$700/hour	Partner
James O. Lattuner	\$700/hour	Partner
Francis R. Green	\$500/hour	Partner
Michelle R. Teggelaar	\$480/hour	Partner
Thomas E. Soule	\$395/hour	Partner
Tiffany N. Hardy	\$325/hour	Partner
Cassandra P. Miller	\$325/hour	Partner

The billing records for Plaintiff's counsel at Sabatini Law Firm, LLC, a law firm operating out of Dunmore, Pennsylvania, show that the following attorneys at the firm billed time on the current matter at the following rates²:

Carlo Sabatini	\$410/hour	Partner
Brett Freeman	\$275/hour	Associate

These rates should be reduced to reflect the reasonable rates in this District and the Third Circuit, taking into consideration the experience of the individuals involved and the prevailing rate for this work in this District for such individuals.

Under the applicable law, a reasonable hourly rate is to be calculated according to the prevailing market rates in the relevant community. See Navarro v. Monarch Recovery Mgmt., 2104 U.S. Dist. LEXIS 84095, *8 (E.D.

¹ In their invoice, Mr. Edelman is referred to as "DAE", Mr. Lattuner is referred to as "JOL", Mr. Greene is referred to as "FRG", Ms. Teggelaar is referred to as "MRT", Mr. Soule is referred to as "TES", Ms. Hardy is referred to as "TNH" and Ms. Miller is referred to as "CPM".

² In their invoice, Mr. Sabatini is referred to as "CS" and Mr. Freeman is referred to as "BF".

Pa. June 20, 2014) citing Plumbers Union Local No. 690, 2009 U.S. Dist. LEXIS 74818, 2009 WL 2603162, at *1. The market rate is based on the rate charged by attorneys in the region where the case is litigated. See Pub. Interest Research Grp. of N.J., Inc., 51 F.3d at 1186-88. Ascertaining the reasonable hourly rate requires adherence to the prevailing market rates in the relevant community for the prosecuting of FDCPA claims. Murphy, 2013 U.S. Dist. LEXIS 65402 at *2; Overly v. Global Credit & Collection Corp., 2011 U.S. Dist. LEXIS 72460 at *6-7 (M.D. Pa. July 6, 2011) citing Loughner v. Univ. of Pittsburgh, 260 F.3d 173, 180 (3d Cir. 2001). Courts are to "assess the experience and skill of the prevailing party's attorneys and compare their rates to the rates prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation." Maldonado v. Houstoun, 256 F.3d 181, 184 (3d Cir. 2001); Rode v. Dellarciprete, 892 F.2d 1177, 1183 (3d Cir. 1990). The party seeking fees "bears the burden of establishing by way of satisfactory evidence, 'in addition to [the] attorney's own affidavits,' . . . that the requested hourly rates meet this standard." Washington v. Philadelphia Cty. Ct. of Common Pleas, 89 F.3d 1031, 1035 (3d Cir. 1996) (citing Blum v. Stenson, 465 U.S. 886, 895 n.11, 104 S. Ct. 1541, 79 L. Ed. 2d 891 (1984)).

Applying the above law to this case, the rates sought by Plaintiff's attorneys in this matter should be reduced so that they are commensurate with reasonable rates of similarly-experienced attorneys in this District. As no attorney who is seeking to be compensated in this matter has submitted an

affidavit to support his or her sought rate, Defendants will rely on legal precedent in the District and the Circuit to derive a reasonable rate for each attorney.

The Rates Sought by the Partners at Edelman, Combs, Lattuner & Goodwin, LLC and the Attorneys at Sabatini Law Firm, LLC Should be Reduced

Because of the total number of attorneys (seven Partners at Edelman, Combs, Lattuner & Goodwin, LLC, one Partner and one Associate at Sabatini Law Firm, LLC) seeking to be compensated for their work on this matter, and the excessive rates that the majority of the attorneys are applying to their time entries, it is appropriate to address their rates.

Due to the non-complex and straightforward nature of FDCPA matters, the hourly rate for FDCPA litigation is generally toward the lower end of the scale, of attorney hourly rates. See Castro v. McCarthy & Jennerich, 2013 U.S. Dist. LEXIS 11989, at *13 (D.N.J. Jan. 10, 2013) (noting that "\$325 even for a named partner with 26 years' experience in a prestigious consumer protection firm is likely too expensive in a straightforward FDCPA case."). Take into consideration the rate that this Court has found acceptable for Attorney Craig Thor Kimmel. Mr. Kimmel is an attorney who has been practicing exclusively in the consumer protection arena since 1991. The Courts in this District have reasoned that, given Mr. Kimmel's "background, and experience in this particular marketplace, typically command a fee rate of between \$200 and \$300. See Overly v. Global Credit & Collection Corp., 2011 U.S. Dist. LEXIS 72460, *11 (E.D. Pa. July 6, 2011). The Court found that an appropriate rate

for Mr. Kimmel was \$300 per hour. Id. at *12. The Court further found that the rate of \$250 per hour was appropriate for Tara Patterson, Esq., Mr. Kimmel's Associate who, at the time, had over 10 years of legal experience and that the rate of \$200 per hour was appropriate for Mr. Kimmel's less experienced Associates, Sarah Young, Esq. and Amy Bennecoff, Esq. who, at the time, had seven and four years of experience, respectively.

The Honorable Richard P. Conaboy of the United States District Court for the Middle District of Pennsylvania has made a determination over a contested fee petition of a reasonable rate for Mr. Sabatini. See Romeo v. Simm Assocs., 2016 U.S. Dist. LEXIS 34033, *571 (M.D. Pa. Mar. 16, 2016). In Romeo, Judge Conaboy found that a rate of \$350 per hour was reasonable for Mr. Sabatini, an attorney with 16 years of experience specializing in consumer protection law, finding that the rate was consistent with prevailing market rates for attorneys with similar experience and expertise in the Middle and Eastern Districts of Pennsylvania.

Prior to the decision in Romeo, in Lukawski v. Client Servs., 2013 U.S. LEXIS 166823 (M.D. Pa. Nov. 22, 2013), The Honorable Judge William J. Nealon determined that Mr. Sabatini was entitled to an hourly rate of \$300/hour and that his two associates, including Mr. Freeman, were entitled to rates of \$200/hour. Judge Nealon reasoned that the rates were appropriate considering the affidavits submitted by Plaintiff's counsel, the experience, expertise of Plaintiff's counsel, the precedent of Middle District case law on hourly rates on previously awarded FDCPA claims and also because there was

no trial or oral argument in the matter. Id. at *7. Also, Judge Nealon found that Plaintiff's counsel's support staff were entitled to a billable rate of \$75/hour. Id.

Also take into consideration several additional decisions from the Eastern District of Pennsylvania which addressed the issue of reasonable billable rates for consumer protection attorneys. In Navarro v. Monarch Recovery Mgmt., a consumer protection matter involving FDCPA claims, the Honorable Judge Surrick was tasked with determining a reasonable rate for an attorney with eight years of experience who was seeking compensation at \$350/hour for his work on the matter. 2014 U.S. Dist. LEXIS 84095 2014. Judge Surrick found that the average hourly rate for an attorney with six to ten years of experience was \$225 to \$250/hour. Id. at *11. He then concluded that \$250/hour was an appropriate rate for the attorney, considering that his eight years of experience was at the high end of the fee schedule, that he had only litigated twelve FDCPA cases and that he did not offer any affidavits from his colleagues in the field of consumer protection litigation to confirm the higher rate sought. Id.

The Honorable Cynthia M. Rufe's decision in Harlan v. NRA Group, LLC, 2011 U.S. Dist. LEXIS 26841 (E.D. Pa. March 2, 2011), provides further guidance. In that case, in awarding fees to plaintiff's counsel, Judge Rufe found that a rate of \$245/hour was reasonable for an associate with four years experience in prosecuting individual and class actions related to federal consumer protection law. Id. at *2-3.

The Honorable Paul S. Diamond's decision in Zavodnick v. Gordon & Weisberg, P.C., 2012 U.S. Dist. LEXIS 78868 (E.D. Pa. June 6, 2012), is also instructive. In that case, in determining the reasonable hourly rate for Zavodnick's attorneys on a statutory FDCPA claim, Judge Diamond reduced the rate sought for an associate attorney with six years experience from \$300 to \$200. Id.

Applying Appropriate Rates, The Fees Sought Should Be Reduced

Taking into consideration the legal precedent from this District and this Circuit, it is Defendants' position that the rates sought by the seven (7) Partners at Edelman, Combs, Lattuner & Goodwin, LLC and the Partner and Associate at Sabatini Law Firm, LLC should be reduced.

First, although both Mr. Edelman and Mr. Lattuner have led long and impressive legal careers, their sought rate of \$700/hour is excessive for this District. Their rates should be reduced to reflect their experience in this District, whereby Defendants believe that a rate of \$350/hour is appropriate for each attorney. Francis Greene, Esq., who accounts for the majority of the billing entries on the Edelman, Combs, Lattuner & Goodwin LLC invoice, seeks a rate of \$500/hour. Mr. Greene has been practicing law since 2000 and, via his firm's website, devotes 25% of his practice to consumer law. As such, it is Defendants' position that Mr. Greene should be afforded a rate of \$250/hour for his time on this matter. Finally, it is Defendants' position that Michelle Teggelaar, Esq., Thomas Soule, Esq., Tiffany Hardy, Esq. and Cassandra P. Miller, Esq. should each be afforded a rate of \$200/hour.

Regarding the attorneys at Sabatini Law Firm, LLC, and taking into consideration the prior legal precedent regarding the rates afforded to Carlo Sabatini, Esq. and Brett Freeman, Esq., it is Defendants' position that Mr. Sabatini and Mr. Freeman should be afforded rates of \$300/hour and \$200/hour, respectively.

2. The Time Billed For Clerical Work And Intra-Attorney Communications Should Not Be Included.

10.7 Hours Of Clerical Work Should Be Excluded From The Edelman Invoice and 7.2 Hours of Clerical Work Should Be Excluded From The Sabatini Invoice

Plaintiff's counsel's billing records contains a number of time entries for work that is purely clerical in nature. Generally, time that would not be billed to a client cannot be imposed on an adversary and, as such, administrative tasks, which are not the type normally billed to a paying client, may not be recovered by a party through a fee petition. See Evankavitch v. Green Tree Servicing, LLC, 2014 U.S. Dist. LEXIS 125557 (M.D. Pa. Sept. 9, 2014) citing Zavodnick, 2012 U.S. Dist. LEXIS 78868, 2012 WL 2036493, *6 (E.D. Pa. June 6, 2012) (denying fees for administrative tasks performed by attorneys). Pure clerical or secretarial tasks should not be reflected in invoices seeking fees, regardless of who performs the task. Murphy, 2013 U.S. Dist. LEXIS 65402 at *11 See also Puzangara v. Evans Assocs., 2011 U.S. Dist. LEXIS 61670 at *8 (E.D. Pa. June 9, 2011) (tasks that can be readily delegated to non-professionals are not properly charged at the attorney's hourly rate in a request for attorney's fees) (citing Planned Parenthood of Cent. N.J. v. Att'y Gen. of N.J., 297 F.3d 253, 266 (3d Cir. 2002) (citing Halderman v. Pennhurst Sch. &

Hosp., 49 F.3d 939, 942 (3d Cir.1995) ("[W]hen a lawyer spends time on tasks that are easily delegable to non-professional assistance, legal service rates are not applicable")).

The following non-billable, clerical entries are found in the invoice submitted by Plaintiff's counsel at Edelman, Combs, Lattuner & Goodwin LLC:

02/18/2015	Megan Stewart	Mailed out letter to client	.20
04/15/2015	Diana Rosales	Created logging file, logged docs and prepared file to be turned into binder	.40
04/28/2015	Thomas Soule	Review rules for ECF and preparing sign-up papers For DAE and TES	.50
05/19/2015	LaToya Lewis	Logging/Filing docs	.20
06/11/2015	Thomas Soule	Track down ECF filing information	.20
06/17/2015	LaToya Lewis	Logged and filed doc	.10
09/14/2015	Megan Stewart	docketed date for holding Rule 37 conf	.10
09/14/2015	Megan Stewart	saved D's discovery responses to TM, printed same, logged same to be filed	.30
10/14/2015	Megan Stewart	processed docs to be filed	.10
10/26/2015	Megan Steward	processed docs to be filed	.20
11/02/2015	Megan Steward	processed docs to be filed	.10
12/03/2015	Kelsey Ridenhour	Logged files	.10
12/03/2015	Kelsey Ridenhour	Sent Fax	.30
12/03/2015	Kelsey Ridenhour	Sent Client PeopleMap Report	.20

12/03/2015	Kelsey Ridenhour	Logged Documents	.20
12/09/2015	Kelsey Ridenhour	Logged Documents	.10
12/15/2015	Kelsey Ridenour	Logged Document	.10
03/07/2016	Melissa Kohler	scheduling and prepping docs	.80
03/10/2016	Melissa Kohler	logging 4 documents	.20
03/22/2016	Melissa Kohler	cancelling depo	.10
03/24/2016	Francis Greene	arrange travel arrangements to Philadelphia	.20
03/28/2016	Melissa Kohler	Cancelling Depositions	.30
04/01/2016	Melissa Kohler	logging one document	.10
04/04/2016	Melissa Kohler	deposition for April 7 th	.20
04/06/2016	Melissa Kohler	Deposition exhibits prep	.90
04/15/2016	Sarah Smolyansky	saved ECF doc	.10
04/27/2016	LA	changing sigs on motion to DAE	.20
04/27/2016	LA	conf with EL re filing mtn in ED Pa	.10
04/27/2016	LA	filing notice, motion, and brief	.20
05/12/2016	MC	Logged and filed Defendant's Brief from 5/11/16	.10
05/16/2016	MC	Logged and filed Court order on Defendant's Concession of Liability	.10
05/17/2016	MC	Logged and filed order	.10

05/18/2016	MC	Logged and filed Stipulation Resolving Plaintiff's Motion and Second Amended Scheduling Order	.10
05/23/2016	MC	Logged and filed documents	.10
05/23/2016	MC	Logged and filed stipulation resolving plaintiff's motion to defer any findings of liability and for permission to file a class certification	.10
05/26/2016	Francis Greene	conf Carlo Sabatini re: status conference with Judge Lloret; filing the Motion in Limine	.20
05/31/2016	MC	Filed Plaintiff's Motion of Judgment on Liability	.80
05/31/2016	MC	Filed Motion	.70
06/02/2016	MC	Logged and filed Stipulation	.10
06/03/2016	Nora Meyers	helped file renewed motion for class certification + memorandum in support	.40
06/06/2016	MC	Logged and filed Motion for class certification and Memorandum that were filed on Friday	.50
06/16/2016	MC	Logged and filed order	.10
07/07/2016	Jaqueline Galindo	created docket memo for 7/18 conference call	.20
07/11/2016	Francis Greene	reviewed, edited billing records	.50

The following non-billable, clerical entries are found in the invoice submitted by Plaintiff's counsel at Sabatini Law Firm LLC:

03/09/2015	Shannon Dodge	Prep – Dawn Elaine Cover Sheet	.20
03/10/2015	Carlo Sabatini	Review and sign letter to to Byrne Courthouse enclosing complaints	.10
03/11/2015	Carlo Sabatini	Review and sign overnight letter to U.S. Court Eastern District enclosing check for filing fee of Complaint	.10
04/01/2015	Shannon Dodge	E-file application for admission for Soule.	.10
04/01/2015	Shannon Dodge	E-file application for admission for Edelman.	.10
04/01/2015	Carlo Sabatini	Receive and review electronic notice of filing: Motion for Pro Hac Vice of Daniel Edelman	.10
04/01/2015	Carlo Sabatini	Receive and review electronic notice of filing: Motion for Pro Hac Vice of Thomas Soule	.10
04/01/2015	Carlo Sabatini	Receive and review electronic notice of filing: Motion to Certify Class	.10
04/06/2015	Shannon Dodge	Receive and reviewed signed green card	.10
04/29/2015	Shannon Dodge	Call Clerk of Court to see if we could get a new summons issued. He said we must file a Praecipe for New Alias Summons and in the body state who want it addressed to	.20
04/29/2016	Shannon Dodge	Prepare Certificate of Service - District Court	.10
04/29/2016	Mary Peters	File Request for New Summons online. Serve upon all parties	.30

05/04/2015	Mary Peters	Find process server in Harrisburg. Draft cover letter with instructions for service of summons and complaint upon Credit Control. Request check from SMD.	.70
05/04/2015	Carlo Sabatini	Review and sign letter overnighted to The Browning Group enclosing check, summons in civil action, & class action complaint	.10
05/08/2015	Shannon Dodge	Certificate of Service – District Court	.10
05/08/2015	Shannon Dodge	File Summons Return Executed and Certificate of Service - District Court	.10
05/31/2015	Carlo Sabatini	Receive and review electronic notice of filing: Answer to Complaint with Affirmative Defenses	.20
07/02/2015	Carlo Sabatini	Receive and review notice of ecf filing for minute entry of proceedings. No permission to view document.	.10
07/02/2015	Carlo Sabatini	Read Judge Beetlestone's Procedures	.30
10/14/2015	Carlo Sabatini	Review and sign letter enclosing application regarding Motion of Francis Greene.	.10
10/26/2015	Shannon Dodge	E-file Plaintiff's Consent Motion to Discovery Motion	.20
11/23/2015	Carlo Sabatini	Receive and review electronic notice of filing: agreed confidentiality order.	.10
03/02/2016	Carlo Sabatini	Email to Judge Lloret's Chambers regarding call in number for conference call	.10

03/02/2016	Carlo Sabatini	Receive and review email from Metcho regarding sending the Court the call in information for the conference call	.10
03/03/2016	Carlo Sabatini	Receive and review email Lloret's chambers regarding possible dates for settlement conference	.10
03/03/2016	Carlo Sabatini	Receive and review email from Greene to Lloret's chambers regarding dates of proposed settlement conference	.10
03/04/2016	Carlo Sabatini	Receive and review email from Metcho to Lloret's chambers regarding availability for the settlement conference	.10
03/08/2016	Carlo Sabatini	Receive, review, and respond to email from Greene regarding call at 2:15 PM today	.10
03/08/2016	Carlo Sabatini	Email to Metcho regarding availability for a call today at 2:15.	.10
03/08/2016	Carlo Sabatini	Receive and review email from Metcho regarding calling him at 2:15 today for conference call	.10
03/21/2016	Carlo Sabatini	Receive and review email from Metcho to Lloret's Chambers regarding starting the conference in the afternoon on 4/5.	.10
03/21/2016	Carlo Sabatini	Receive, review, and respond to email from Greene regarding my availability on 4/5.	.10
03/29/2016	Carlo Sabatini	Receive and review email from Metcho regarding number to call him at today	.10

03/30/2016	Carlo Sabatini	Receive, review and respond to email from Metcho regarding having a call at 11:30 this morning.	.10
03/30/2016	Carlo Sabatini	Receive and review email from Metcho stating that he will let us know when his call ends	.10
03/31/2016	Carlo Sabatini	Receive and review email from Metcho confirming availability for call with the Judge today.	.10
04/01/2016	Carlo Sabatini	Receive and review minute entry for proceedings regarding Discovery Dispute	.10
04/04/2016	Carlo Sabatini	Receive and review cc of email from Lloret's chambers acknowledging that she received our settlement conference summary form.	.10
04/06/2016	Carlo Sabatini	Receive and review minute entry regarding settlement conference.	.10
04/06/2016	Carlo Sabatini	Receive and review email from Metcho advising that 2:00 PM is ok for deposition	.10
04/07/2016	Carlo Sabatini	Receive and review email from Greene regarding call-in information	.10
04/07/2016	Carlo Sabatini	Receive and review email from Metcho regarding the court reporter just arrived and is setting up. The court reporter should be available by 10:15 a.m. Central Time.	.10
04/07/2016	Carlo Sabatini	Receive and review email from Greene to Metcho acknowledging that the court reporter is setting up for the depo of Credit Control	.10

04/07/2016	Carlo Sabatini	Receive and review email from Metcho regarding calling in now & that we're waiting on the court reporter and the representative.	.10
04/12/2016	Carlo Sabatini	Receive and review cc of email from Metcho to Judge Beetlestone's chambers regarding defendant's counsel's availability for the phone conference on Thursday 4/14	.10
04/12/2016	Carlo Sabatini	Receive and review Minute Entry for proceedings held before Judge Lloret	.10
04/14/2016	Carlo Sabatini	Minute Entry for proceedings held before Judge Lloret regarding the settlement conference held on 4/13/16	.10
04/14/2016	Carlo Sabatini	Receive and review email from Mani regarding that the deposition will be held at 12:00 pm	.10
04/15/2016	Carlo Sabatini	Receive and review Minute Entry for proceedings held before Honorable Wendy Beetlestone Telephone Discovery Dispute Hearing held on 4/14/16	.10
04/18/2016	Brett Freeman	Review local rules re: SJ motion and brief	.40
04/19/2016	Carlo Sabatini	Call to ERSA Court Reporting regarding ordering an expedited transcript.	.20
04/21/2016	Carlo Sabatini	Call with Metcho. He has a call with his clients at 2 today.	.10
06/20/2016	Carlo Sabatini	Receive and review Barkley Court Reporters sent cc of cover letter regarding deposition transcript of Alegis Group	.10

07/08/2016 Shannon Dodge E-file – Notice by Dawn Elaine of .10
 Withdrawal Without Prejudice of
 Pending Motions (Attachments: #
 (1) Proposed Order, # (2)
 Certification Regarding
 Concurrence and Service)(SABATINI,
 CARLO).

While it is not disputed whether these individuals actually took the time stated to perform these tasks, because they are clearly clerical in nature, they should be excluded from those fees sought from the consideration.

8.7 Hours Of Intra-Attorney Communications Should Be Excluded From The Edelman Invoice and 36.2 Hours of Intra-Attorney Communications Should Be Excluded From The Sabatini Invoice

Plaintiff's counsel's billing records also show an unusually high number of intra-office communications between and among both the attorneys at Edelman, Combs, Latturner & Goodwin, LLC, and their local counsel, Sabatini Law Firm, LLC regarding this matter.

Under the applicable law, when several attorneys bill a large number of hours for strategy and conferencing, a reduction in the fee request is plainly appropriate. Citibank, N.A. v. Hicks, 2004 U.S. Dist. LEXIS 30432, *18 (E.D. Pa. 2004) citing Daggett v. Kimmelman, 811 F.2d 793, 797 (3d Cir. 1987). The Court in Citibank, N.A. v. Hicks reduced the amount that defendant was required to pay pursuant to a fee petition, finding that the reduction was appropriate as the majority of attorney time was spent on conferencing between attorneys, responding to e-mails and reviewing correspondence. Id. at* 16,17. Courts have repeatedly disallowed attempts by counsel to recover for intra-office communications. See Overly, 2011 U.S. Dist. LEXIS 72460 at *16-17

("We agree that these intra-office updates, which seem to be a product of the diverse staffing of this straightforward litigation, should not be assessed against the defendants. Therefore, we will also exclude these hours from the fees calculation.")

In this case, the following 8.7 hours of non-billable, intra-attorney conference time entries are found in the billing records submitted by Edelman, Combs, Latturner & Goodwin LLC:

03/06/2015	Thomas Soule	Call with C. Sabatini re coming on as co-counsel, and emails with DAE/DA re same	.40
03/06/2015	Thomas Soule	Email papers to Sabatini, and to client seeking complaint approval	.30
03/06/2015	Thomas Soule	Follow-up call confirming co-counsel agreement; client advised	.20
03/11/2015	Thomas Soule	Follow-up email with C Sabatini	.10
03/13/2015	Thomas Soule	Advise DAE and DR of filing of case	.10
04/01/2015	Thomas Soule	E-mail from C Sabatini re filings	.10
04/07/2015	Thomas Soule	E-mail to DR papers and request assistance on ECF	.10
04/29/2015	Thomas Soule	Respond to E-mail from Sabatini last night re service	.10
05/08/2015	Thomas Soule	Emails to Sabatini and to OC re 26f	.20

06/19/2015	Thomas Soule	Confer with DAE re schedule and one-way intervention	.20
09/17/2015	Francis Greene	review CPM's memo re: status of the case; e-mailed Carlo Sabatini re: status of discovery; conf. JOL re: same	.30
09/17/2015	Francis Greene	review of emails; conf CPM, FRG	.40
09/17/2015	Francis Greene	review of emails; conf FRG	.40
09/23/2015	Francis Greene	conf. Carlo Sabbatini re: rule 37 conference with counsel for Credit Control plus consent to withdraw TES's appearance and filing by pro hac	.10
10/12/2015	Francis Greene	conf. TNH re: discovery in cases involving LVNV defendants	.10
10/12/2015	Tiffany Hardy	conf FRG re LVNV defendants	.10
10/13/2015	Francis Greene	signed form in connection with pro hac vice motion; emailed Carlo Sabatini re: same; conf. KR re: same	.20
10/14/2015	Daniel Edelman	conf. FRG re: Motion to Compel Credit Control's discovery responses	.10
11/30/2015	Daniel Edelman	conf. FRG re: Plaintiff's settlement demand	.10
11/30/2015	Francis Greene	drafted settlement demand; Conf. DAE re: same; conf. Carlo Sabatini re: same	.50
12/01/2015	Francis Greene	tc Carlo Sabatini re: client's deposition	.20
01/06/2016	Francis Greene	conf. LS re: travel arrangements to Philadelphia for settlement conference	.80

02/29/2016	Daniel Edelman	conf. FRG re: individual settlement and tax issues	.10
03/07/2016	Francis Greene	conf. MK re: re-issuing deposition notices; e-mailed Carlo Sabatini re: same	.30
04/01/2016	Francis Greene	conf. Carlo Sabatini re: Defendants' Notices of deposition; issuing new notices of deposition	.40
04/18/2016	Francis Greene	tc Carlo Sabatini re: client's deposition	.40
04/18/2016	Francis Greene	tc Carlo Sabatini re: client's deposition	.20
04/19/2016	Francis Greene	e-mailed deposition transcripts to Brett Freeman for use in preparing motion for summary judgment	.20
04/27/2016	LA	email to co-counsel re filing motion notice and brief	.10
04/27/2016	LA	conf with FRG re: filing motion and notice	.20
05/05/2016	Daniel Edelman	conf. FRG re: draft motion in limine	.10
05/05/2016	Francis Greene	reviewed motion in limine; conf. DAE re: same; e-mailed Carlo Sabatini re: same	1.10
05/11/2016	Francis Greene	conf. Carlo Sabatini re: changes to the motion in limine	.20
05/26/2016	Francis Greene	conf Carlo Sabatini re: status conference with Judge Lloret; filing the motion in limine	.20
06/23/2016	Francis Greene	reviewed, responded to e-mail from Carlo Sabatini re: new settlement conference date	.10

The following 36.2 hours of non-billable, intra-attorney conference time for an eye opening 326 entries are found in the billing records submitted by Sabatini Law Firm LLC:

03/09/2015	Carlo Sabatini	Receive and review email from Soule regarding REDACTED	.20
03/25/2015	Carlo Sabatini	Call with Soule regarding REDACTED	.10
03/31/2015	Carlo Sabatini	Receive and review email from Soule regarding REDACTED	.10
04/07/2015	Carlo Sabatini	Email to Soule regarding REDACTED	.10
04/13/2015	Carlo Sabatini	Email to co-counsel REDACTED	.10
05/08/2015	Carlo Sabatini	Email to co-counsel with REDACTED	.10
05/08/2015	Carlo Sabatini	Receive and review email from CS instructing to file Summons return executed when all three answers have been filed by Metcho	.10
05/08/2015	Carlo Sabatini	Receive and review email from Soule regarding REDACTED	.10
06/04/2015	Carlo Sabatini	Receive and review email from Soule regarding REDACTED	.10
06/05/2015	Carlo Sabatini	Receive and review email from Soule regarding REDACTED	.10
06/11/2015	Carlo Sabatini	Receive and review email from Soule regarding REDACTED	.10
06/11/2015	Carlo Sabatini	Receive, review and respond to email from Soule REDACTED	.20

06/12/2015	Carlo Sabatini	Receive and review email from Soule regarding REDACTED	.10
06/12/2015	Carlo Sabatini	Email to Soule regarding REDACTED	.10
06/18/2015	Carlo Sabatini	Receive and review email from Soule regarding REDACTED	.10
06/19/2015	Carlo Sabatini	Receive, review and respond to email from Soule REDACTED	.20
07/05/2015	Carlo Sabatini	Receive, review and respond to email from Soule REDACTED	.20
07/06/2015	Carlo Sabatini	Receive and review email from Soule regarding REDACTED	.10
07/07/2015	Carlo Sabatini	Receive and review email from Soule regarding REDACTED	.10
07/07/2015	Carlo Sabatini	Receive and review email from Soule regarding REDACTED	.10
07/07/2015	Carlo Sabatini	Receive, review and respond to email from Soule regarding REDACTED	.10
07/07/2015	Carlo Sabatini	Receive and review email from Soule regarding REDACTED	.10
07/07/2015	Carlo Sabatini	Receive and review email from Soule regarding REDACTED	.10
07/20/2016	Carlo Sabatini	Review file. Email to co-counsel with REDACTED	.20
08/07/2015	Carlo Sabatini	Receive and review email from Soule regarding REDACTED	.10
09/17/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
09/18/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10

09/23/2015	Carlo Sabatini	Call with co-counsel REDACTED	.10
09/24/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
09/28/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
09/30/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
10/01/2015	Carlo Sabatini	Receive and review email from Greene's paralegal regarding REDACTED	.10
10/01/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
10/01/2015	Carlo Sabatini	Receive and review email from Greene's paralegal regarding REDACTED	.10
10/01/2015	Carlo Sabatini	Receive and review email from Greene's paralegal regarding REDACTED	.10
10/05/2015	Carlo Sabatini	Receive and review email from Greene's paralegal regarding REDACTED	.10
10/05/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
10/05/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
10/06/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
10/12/2015	Carlo Sabatini	Call with Francis Greene regarding REDACTED	.20

10/13/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
10/13/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
10/13/2015	Carlo Sabatini	Receive and review email from Greene's paralegal REDACTED	.10
10/13/2015	Carlo Sabatini	Receive and review email from Greene's paralegal regarding REDACTED	.10
10/13/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
10/13/2015	Carlo Sabatini	Receive and review email from Edelman REDACTED	.10
10/13/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
10/14/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
10/14/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
10/14/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
10/14/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
10/14/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
10/14/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10

10/15/2015	Carlo Sabatini	Receive, review and respond to email from Edelman regarding REDACTED	.10
10/15/2015	Carlo Sabatini	Receive and review email from Edelman regarding REDACTED	.10
10/14/2015	Carlo Sabatini	Receive and review email from Edelman regarding REDACTED	.10
10/15/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
10/20/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
10/26/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
10/26/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
10/26/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
10/26/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
10/26/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
11/05/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
11/06/2015	Carlo Sabatini	Email to co-counsel REDACTED	.10
11/06/2015	Carlo Sabatini	Receive and review email from Greene's paralegal REDACTED	.10
11/09/2015	Carlo Sabatini	Receive and review email from Greene's office regarding REDACTED	.10

11/19/2015	Carlo Sabatini	Call with co-counsel regarding REDACTED	.20
11/19/2015	Carlo Sabatini	Receive and review SMD's status report on case and respond with instructions	.10
11/20/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
11/23/2015	Carlo Sabatini	Receive and review email from Greene REDACTED	.10
11/30/2015	Carlo Sabatini	Draft email to Greene regarding REDACTED	.10
11/23/2015	Carlo Sabatini	Receive and review email from Greene REDACTED	.10
11/30/2015	Carlo Sabatini	Call with co-counsel regarding REDACTED	.20
11/30/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
11/30/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
12/01/2015	Carlo Sabatini	Call to co-counsel regarding REDACTED	.10
12/02/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
12/02/2015	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
12/03/2015	Carlo Sabatini	Receive, review and respond to email from Greene REDACTED	.10
12/03/2015	Carlo Sabatini	Draft email to Greene regarding REDACTED	.10
12/03/2015	Carlo Sabatini	Receive and review email from Greene REDACTED	.10

12/03/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
12/03/2015	Carlo Sabatini	Receive, review and respond to email from Greene stating REDACTED	.10
12/03/2015	Carlo Sabatini	Receive, review and respond to email from KMS regarding REDACTED	.10
12/03/2015	Carlo Sabatini	Receive, review and respond to email from Greene REDACTED	.10
12/03/2015	Carlo Sabatini	Email to Greene stating REDACTED	.10
12/03/2015	Carlo Sabatini	Email to Greene stating REDACTED	.10
12/03/2015	Carlo Sabatini	Review and comment on co-counsel's proposed letter to Judge Beetlestone	1.2
12/03/2015	Carlo Sabatini	Email to Greene acknowledging that we will call the client at 2:00 p.m. to prepare her for the deposition	.10
12/03/2015	Carlo Sabatini	Receive and review email from Greene advising that he already sent letter to Judge Beetlestone regarding Credit Control unresponsiveness	.10
12/03/2015	Carlo Sabatini	Receive and review email from Greene's paralegal attaching letter to Judge Beetlestone concerning Credit Control	.10
12/03/2015	Carlo Sabatini	Receive and review email from Greene REDACTED	.10

12/03/2015	Carlo Sabatini	Receive and review email from Greene forwarding me an email of Judge Beetlestone's Chambers advising that she would like to conduct a conference call	.10
12/03/2015	Carlo Sabatini	Receive and review email from Greene advising that the time for conference call with Beetlestone works for Plaintiff's counsel	.10
12/03/2015	Carlo Sabatini	Receive, review and respond to email from Greene REDACTED	.20
12/03/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
12/03/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
12/03/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
12/03/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding preparing Elaine for her deposition at 2:00 p.m.	.10
12/03/2015	Carlo Sabatini	Receive, review and respond to email from Greene REDACTED	.10
12/03/2015	Carlo Sabatini	Email to SMD regarding REDACTED	.10
12/04/2015	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
12/03/2015	Carlo Sabatini	Email to Greene regarding REDACTED	.10
12/08/2015	Carlo Sabatini	Receive and review email from Greene REDACTED	.10

12/08/2015	Carlo Sabatini	Receive, review and respond to email from KMS REDACTED	.10
01/08/2016	Carlo Sabatini	Receive, review and respond to email from KMS regarding REDACTED	.10
01/11/2016	Carlo Sabatini	Conference with co-counsel regarding REDACTED	.10
01/08/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
01/19/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
01/19/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
01/20/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
01/20/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
01/22/2016	Carlo Sabatini	Receive, review and respond to email from KMS regarding REDACTED	.10
01/20/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
01/22/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
01/25/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
01/25/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10

01/26/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
01/22/2016	Carlo Sabatini	Receive and review email from Greene REDACTED	.10
01/26/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
01/28/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
02/01/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
02/01/2016	Carlo Sabatini	Receive and review email from Greene regarding handling the conference call on 2/3	.10
02/01/2016	Carlo Sabatini	Receive and review email from Greene REDACTED	.10
02/03/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
02/03/2015	Carlo Sabatini	Call with Greene regarding REDACTED	.10
02/10/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
02/03/2015	Carlo Sabatini	Call with Greene. Discuss REDACTED	.10
02/19/2016	Carlo Sabatini	Receive and review email from Greene REDACTED	.10
02/03/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
02/23/2015	Carlo Sabatini	Call to Greene. Line was busy Email to Greene	.10

02/24/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
03/02/2016	Carlo Sabatini	Receive and review email from Greene regarding call in number for conference call with opposing counsel & Judge Lloret's chambers	.10
03/02/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
03/02/2016	Carlo Sabatini	Call with Francis Greene after conference call	.10
03/02/2016	Carlo Sabatini	Call with Greene REDACTED	.10
03/02/2016	Carlo Sabatini	Receive and review email from Greene REDACTED	.10
03/03/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
03/03/2016	Carlo Sabatini	Receive and review email from Greene to chambers regarding settlement conference	.10
03/03/2016	Carlo Sabatini	Call with Greene REDACTED	.10
03/03/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
03/03/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
03/04/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
03/04/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
03/07/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
03/07/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10

03/08/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
03/08/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding call at 2:15 PM today.	.10
03/08/2016	Carlo Sabatini	Receive and review email from Greene regarding conference call	.10
03/08/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
03/09/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
03/09/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
03/09/2016	Carlo Sabatini	Receive, review and respond with instructions to email from KMS regarding REDACTED	.10
03/18/2016	Carlo Sabatini	Strategy conference with Greene	.10
03/20/2016	Carlo Sabatini	Receive and review email from Greene REDACTED	.10
03/21/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
03/21/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding my availability on 4/5.	.10
03/22/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
03/22/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10

03/24/2016	Carlo Sabatini	Receive, review and respond with its email from KMS regarding REDACTED	.10
03/28/2016	Carlo Sabatini	Call with Greene regarding REDACTED	.10
03/28/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
03/28/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
03/28/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
03/28/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
03/29/2016	Carlo Sabatini	Call to Greene to discuss REDACTED	.30
03/29/2016	Carlo Sabatini	Call to Greene to discuss REDACTED	.20
03/29/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
03/29/2016	Carlo Sabatini	Receive and review email from Greene regarding the research I did on the procedure for Judge Beetlestone	.10
03/29/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
03/30/2016	Carlo Sabatini	Call with Greene regarding REDACTED	.10
03/30/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
03/30/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10

03/30/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
03/30/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
03/31/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
03/31/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
03/31/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
03/31/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
03/31/2016	Carlo Sabatini	Receive and review email from Greene REDACTED	.10
03/31/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
03/31/2016	Carlo Sabatini	Call with Greene regarding REDACTED	.10
04/01/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
04/01/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
04/04/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
04/04/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
04/06/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10

04/06/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
04/06/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
04/06/2016	Carlo Sabatini	Receive and review email from Greene's office regarding Notice of Depositions for April 7, 2016	.10
04/07/2016	Carlo Sabatini	Receive and review email from Greene regarding call-in information	.10
04/07/2016	Carlo Sabatini	Call with Greene to discuss REDACTED	.10
04/07/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
04/08/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
04/11/2016	Carlo Sabatini	Call with Greene	.10
04/14/2016	Carlo Sabatini	Call with Greene regarding REDACTED	.10
04/14/2016	Carlo Sabatini	Receive and review email from KMS regarding REDACTED	.10
04/15/2016	Carlo Sabatini	Receive and review cc of email from Greene asking Mani if there is a telephone in the room where the deposition will take place	.10
04/18/2016	Carlo Sabatini	Call with BF regarding REDACTED	.10
04/18.2016	Brett Freeman	Phone call with Carlo re: REDACTED	.40
04/19/2016	Carlo Sabatini	Receive, review and respond to email from BF regarding disclosures	.10

04/20/2016	Carlo Sabatini	Receive and review email from BF regarding REDACTED	.10
04/20/2016	Carlo Sabatini	Call to Greene. Unavailable Email to Greene regarding REDACTED	.10
04/20/2016	Carlo Sabatini	Receive, review and respond to email from BF regarding REDACTED	.10
04/20/2016	Carlo Sabatini	Call with Francis and Brett regarding settlement	.30
04/20/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
04/20/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
04/20/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
04/21/2016	Carlo Sabatini	Conference with BF regarding REDACTED	.10
04/21/2016	Carlo Sabatini	Call with Greene regarding the Motion for Summary Judgment brief	.10
04/20/2016	Carlo Sabatini	Receive and review email from Greene regarding a call today regarding summary judgment motions	.10
04/26/2016	Carlo Sabatini	Conference with BF regarding REDACTED Conference in Greene regarding how we should proceed	.10
04/26/2016	Carlo Sabatini	Call with Greene & BF	.10
04/26/2016	Carlo Sabatini	Conference with BF. Conference in Metcho. Unavailable. Continue conference with BF.	.30

04/26/2016	Carlo Sabatini	Call with BF and Greene regarding REDACTED	.50
04/26/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
04/27/2016	Carlo Sabatini	Call to Greene.	.10
04/27/2016	Carlo Sabatini	Receive and review email from BF regarding REDACTED	.10
04/27/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
04/27/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
04/27/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
04/27/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
04/27/2016	Carlo Sabatini	Receive and review email from Greene's paralegal regarding REDACTED	.10
04/27/2016	Carlo Sabatini	Call with Greene.	.10
04/29/2016	Carlo Sabatini	Receive and review email from Greene regarding today's conference call with Judge Lloret	.10
04/29/2016	Carlo Sabatini	Email to Greene regarding Motion in Limine	.10
04/29/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
05/02/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10

05/03/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
05/03/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
05/05/2016	Carlo Sabatini	Receive and review email from Greene regarding the status of the draft Motion in Limine	.10
05/05/2016	Carlo Sabatini	Call with Greene regarding REDACTED	.10
05/09/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
05/11/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
05/11/2016	Carlo Sabatini	Call with Greene regarding REDACTED	.10
05/12/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
05/12/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding the REDACTED	.10
05/12/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
05/12/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
05/12/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
05/13/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
05/13/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10

05/13/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
05/13/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
05/16/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
05/16/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
05/16/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
05/16/2016	Brett Freeman	Receive and review email from Greene regarding REDACTED	.10
05/16/2016	Brett Freeman	Receive and review email from CS regarding REDACTED	.10
05/16/2016	Brett Freeman	Receive and review email from Greene regarding REDACTED	.10
05/16/2016	Carlo Sabatini	Call to Greene. Unavailable	.10
05/16/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
05/16/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
05/16/2016	Carlo Sabatini	Call to Greene. Unavailable	.10
05/16/2016	Brett Freeman	Receive and review email from Greene regarding REDACTED	.10
05/16/2016	Brett Freeman	Receive and review email from Greene regarding REDACTED	.10
05/16/2016	Brett Freeman	Receive and review email from Greene regarding REDACTED	.10

06/03/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
06/03/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
06/03/2016	Carlo Sabatini	Call with Greene regarding REDACTED	.20
06/03/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
06/03/2016	Carlo Sabatini	Call with Greene regarding REDACTED	.10
06/03/2016	Carlo Sabatini	Email to Greene regarding the settlement conference	.10
06/03/2016	Carlo Sabatini	Email to Greene regarding proposed language for email to Metcho regarding demand.	.10
06/03/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
06/03/2016	Carlo Sabatini	Receive and review email from Greene's office regarding REDACTED	.10
06/03/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
06/06/2016	Carlo Sabatini	Call with Greene.	.10
06/03/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
06/06/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
06/07/2016	Carlo Sabatini	Call with Greene to discuss REDACTED	.10

06/07/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
06/09/2016	Carlo Sabatini	Receive, review and respond to email from KMS regarding REDACTED	.10
06/14/2016	Carlo Sabatini	Call with Greene regarding REDACTED	.10
06/14/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
06/14/2016	Carlo Sabatini	Call with Greene regarding REDACTED	.10
06/14/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
06/14/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
06/14/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
06/14/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
06/14/2016	Carlo Sabatini	Call with Greene.	.10
06/14/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding the motion in limine	.10
06/17/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
06/17/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
06/17/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
06/17/2016	Carlo Sabatini	Call from Francis Green Regarding REDACTED	.30

06/17/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
06/17/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
06/17/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
06/17/2016	Carlo Sabatini	Call to Greene regarding REDACTED	.30
06/17/2016	Carlo Sabatini	Receive and review email from KMS regarding REDACTED	.10
06/22/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
06/22/2016	Carlo Sabatini	Call to Greene regarding REDACTED Conference in Metcho	.30
06/22/2016	Carlo Sabatini	Call to Greene regarding REDACTED Conference Call to client regarding REDACTED	.10
06/22/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
06/22/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
06/23/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
06/23/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
06/23/2016	Carlo Sabatini	Receive, review and respond to email from KMS regarding REDACTED	.10

06/23/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
06/30/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
06/30/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
06/30/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
07/01/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
07/01/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
07/01/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
07/01/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
07/05/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
07/05/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
07/05/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
07/05/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
07/05/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
07/05/2016	Carlo Sabatini	Email to SMD regarding REDACTED	.30

07/05/2016	Carlo Sabatini	Conference with SMD regarding REDACTED	.10
07/01/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
07/05/2016	Carlo Sabatini	Email to SMD regarding REDACTED	.30
07/05/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
07/05/2016	Carlo Sabatini	Receive, review and respond to email from Greene regarding REDACTED	.10
07/06/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
07/05/2016	Carlo Sabatini	Receive and review email from KMS regarding REDACTED	.10
07/06/2016	Carlo Sabatini	Receive and review email from Greene regarding REDACTED	.10
07/06/2016	Carlo Sabatini	Receive and review email from Greene REDACTED	.10
07/07/2016	Carlo Sabatini	Email to Greene regarding REDACTED	.10
07/05/2016	Carlo Sabatini	Receive, review and respond to email from KMS regarding REDACTED	.10
07/07/2016	Carlo Sabatini	Receive and review email from Greene REDACTED	.10

Under the precedent cited above, this time should be excluded from the fees sought by Plaintiff's counsel.

2.9 Hours Of Duplicate Entries Should Be Excluded From The Edelman Invoice
and 16.6 Hours of Duplicate Entries Should Be Excluded From The Sabatini
Invoice

Plaintiff's counsel's billing records also show that the attorneys from each firm, particularly Mr. Sabatini, are seeking to be compensated for duplicative work. The majority of the duplicate entries from Mr. Sabatini account for him reviewing email messages between Francis Greene, Esq. and counsel for Defendant. However, these billable events were also billed by Mr. Greene, whereby is Defendants' position that Mr. Sabatini should not be compensated for merely reading an email between his co-counsel and Defense counsel. Moreover, Mr. Sabatini is seeking to be compensated for attending the telephonic depositions of Defendants' corporate representatives, although Mr. Greene has also billed for deposition time and Mr. Greene was the attorney who did the questioning during the depositions. Finally, Mr. Freeman seeks to be compensated for reviewing a Motion in Limine that was drafted by his co-counsel. As such, it is Defendants' position that the duplicate entries should be removed from consideration of an award of attorneys' fees and costs.

In this case, the following 2.9 hours for billable entries are found in the billing records submitted by Edelman, Combs, Lattuner & Goodwin LLC:

03/09/2015	Thomas Soule	Review of C Sabatini later in day	.30
07/06/2015	Thomas Soule	Review of complaint and answer, and draft discovery requests	1.50
10/15/2015	Francis Greene	review Credit Control Inc.'s discovery responses; tc Carlo Sabatini re: same; conf. DAE re: same	.50

11/03/2015	Francis Greene	Reviewed Credit Control's discovery responses	.40
04/27/2016	LA	editing motion for filing	.20

The following 16.6 hours for billable entries are found in the billing records submitted by Sabatini Law Firm, LLC:

05/08/2015	Carlo Sabatini	Receive and review email from Soule to Metcho regarding that once Credit Control comes into the case, we ought to have our Rule 26f conference as soon as is practicable	.10
05/11/2015	Carlo Sabatini	Receive and review email from Soule to Metcho regarding the 26(f) conference	.10
06/03/2015	Carlo Sabatini	Receive and review email from Soule to Metcho regarding having the Rule 26(f) conference now that all the parties have appeared and answered	.10
06/11/2015	Carlo Sabatini	Receive and review email from Soule to Metcho regarding changing the heading on his addition	.10
06/30/2015	Carlo Sabatini	Receive and review email from Soule to Metcho regarding our client's Rule 26(a)(1) disclosures	.10
10/13/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding CS protective order	.10

10/15/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding CS asking the Court to postpone the conference by a couple of days to allow us to discuss Credit Control's discovery responses	.10
10/26/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding CS Supplemental Discovery Responses	.10
11/04/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding CS modifications to the proposed protective order	.10
11/04/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding CS submitting the protective order to the Court	.10
11/05/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding CS submitting the protective order today	.10
11/05/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding CS if an agreement between Credit Control and Resurgent be produced	.10
11/06/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding CS conducting depositions via telephone	.10

11/09/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding letting us know his availability for depositions	.10
11/09/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding revisions to the proposed protective order	.10
11/11/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding CS conducting depositions of Renkim telephonically	.10
11/19/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding not submitting the protective order to the Court	.10
11/20/2015	Carlo Sabatini	Receive and review email from Greene to Metcho stating that 11/23 & 11/24 do not work for plaintiff	.10
11/30/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding availability for depositions and the rest of the document production	.10
12/01/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding settlement letter	.10
12/02/2015	Carlo Sabatini	Receive and review cc of email from Greene to Metcho asking for his availability this afternoon or tomorrow to have a conference with the court	.10

12/02/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding the magistrate judge	.10
12/02/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding mediation	.10
12/03/2015	Carlo Sabatini	Receive and review email from Greene to Metcho advising him that our agreement to mediate would be contingent on your providing all the documents that you have promised to produce to us by the end of today.	.10
12/03/2016	Carlo Sabatini	Review and comment on co-counsel's proposed letter to Judge Beetlestone	1.20
12/03/2015	Carlo Sabatini	Receive and review email from Greene to Metcho regarding acknowledging his balance sheets, but advising that we would like the most recent audited financials for LVNV, Alegis and Resurgent	.10
12/03/2015	Carlo Sabatini	Receive and review email from Greene to Judge Beetlestone's Chambers advising that Plaintiff's counsel is available for conference call at that time.	.10
12/04/2015	Carlo Sabatini	Receive and review email from Greene to Metcho asking him what he found out about the magistrate judge and if he is still interested in mediation	.10

12/14/2015	Carlo Sabatini	Receive and review cc of email from Metcho to Greene regarding the financial documentation that has been provided by Resurgent and LVNV Funding	.10
01/20/2016	Carlo Sabatini	Receive and review email from Greene to Sheila McCurry regarding the settlement conference summary form	.10
01/25/2016	Carlo Sabatini	Receive and review copy of email from Greene to Metcho regarding revised demand	.10
01/28/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding CS defendants' latest settlement demand	.10
01/29/2016	Carlo Sabatini	Receive and review copy of email from Metcho to Greene regarding settlement demand	.10
02/02/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding calling him before we call chambers for conference call tomorrow	.10
02/03/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding our client rejecting settlement demand	.10
02/29/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding Ms. Elaine reasserting her class demand REDACTED	.10

02/29/2016	Carlo Sabatini	Receive and review copy of email from Metcho to Greene regarding tax concerns	.10
03/03/2016	Carlo Sabatini	Receive and review email from Greene to chambers regarding the settlement conference	.10
03/03/2016	Carlo Sabatini	Receive and review cc of email from Metcho to chambers regarding conflict on 3/16 for settlement conference & advising of his availability	.10
03/03/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding conference call	.10
03/03/2016	Carlo Sabatini	Receive and review cc of email from Greene to Metcho regarding a further stay of 30 days	.10
03/03/2016	Carlo Sabatini	Receive and review cc of email from Metcho to chambers regarding waiting to hear from his client regarding availability for the settlement conference	.10
03/04/2016	Carlo Sabatini	Receive and review email from Greene to Lloret's chambers regarding Plaintiff's availability for settlement conference	.10
03/07/2016	Carlo Sabatini	Receive and review cc of email from Greene to Metcho regarding Judge Beetlestone set a briefing schedule on any summary judgment motions before setting a briefing schedule on a motion for class certification	.10

03/08/2016	Carlo Sabatini	Receive and review cc of email from Greene to Metcho regarding settlement demand	.10
03/15/2016	Carlo Sabatini	Receive and review email from Greene to Lloret's chambers regarding Plaintiff's Settlement Conference Summary Form	.10
03/07/2016	Carlo Sabatini	Receive and review cc of email from Greene to client regarding REDACTED	.10
03/21/2016	Carlo Sabatini	Receive and review email from Greene to Lloret's chambers regarding Plaintiff's availability for settlement conference on 4/5	.10
03/22/2016	Carlo Sabatini	Receive and review cc of email from Greene to Metcho regarding settling this case this week if possible without the assistance of Judge Lloret	.10
03/22/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding no objection to extend discovery deadline	.10
03/23/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding the letter to Judge Beetlestone & advising that it is ok to file	.10
03/24/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding if he submitted the letter to Judge Beetlestone	.10

03/24/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding how long his clients are budgeting for the settlement conference	.10
03/28/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding the not opposing in principle to taking the depositions all at once	.10
03/30/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding addresses of witnesses	.10
03/30/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding his understanding from our two telephone conversations this morning is that Defendants will not be appearing for their depositions tomorrow	.10
03/31/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding the letter that was faxed to Judge Beetlestone	.10
03/31/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding CS conducting the depositions on April 7	.10
03/31/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding being unavailable on 4/6 to conduct the depositions	.10

04/01/2016	Carlo Sabatini	Receive and review cc of email from Greene's office to chambers regarding the settlement conference summary form	.10
04/01/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding the deposition notices	.10
04/04/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding that we expect him to comply with Rule 37(g) first before filing a motion	.10
04/06/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding the time of Credit Control deposition	.10
04/06/2016	Carlo Sabatini	Receive and review email from Greene to Metcho asking who will be appearing for Credit Control	.10
04/06/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding the name of the corporate representative who will be appearing for LVNV, Resurgent, and Alegis Group	.10
04/06/2016	Carlo Sabatini	Receive and review email from Metcho to Greene regarding the representative who will be appearing for Credit Control	.10

04/06/2016	Carlo Sabatini	Receive and review email from Metcho to Greene regarding the name of the corporate representative who will be appearing for LVNV, Resurgent, and Alegis Group	.10
04/07/2016	Carlo Sabatini	Telephonic deposition of Credit Control's designee Richard Saffer	1.4
04/07/2016	Carlo Sabatini	Telephonic deposition of Meghan Emmerich	1.9
04/07/2016	Carlo Sabatini	Deposition of Richard Saffer part 2	1.3
04/12/2016	Carlo Sabatini	Receive and review email from Greene to Judge Beetlestone's chambers regarding Plaintiff's availability for the conference call on 4/14	.10
04/12/2016	Carlo Sabatini	Receive and review email from Greene to Mani of Judge Beetlestone's Chambers regarding changing the deposition time at 12:00 pm	.10
04/19/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding his clients' position on the one-way intervention issue	.10

04/26/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding his clients' position on one-way intervention. Unless the parties can enter a stipulation, we will be filing a motion today asking Judge Beetlestone to defer ruling on summary judgment until the class motion is decided. Please let me know if we can designate that motion as unopposed.	.10
04/26/2016	Carlo Sabatini	Work on brief with BF.	1.4
04/27/2016	Carlo Sabatini	Receive and review cc of email from Greene to Metcho regarding if Defendant concurs with our motion	.10
05/06/2016	Brett Freeman	Review modified motion in limine	.30
05/11/2016	Brett Freeman	Review modified motion in limine	.30
05/11/2016	Carlo Sabatini	Receive and review copy of email from Greene to Judge Lloret's Chambers regarding Motion in Limine	.10
05/12/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding one-way intervention	.20
05/16/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding the reply brief	.10
06/08/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding settlement	.10

06/08/2016	Carlo Sabatini	Receive and review email from Greene to Metcho countering at \$60,500	.10
06/14/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding the letter to Judge Beetlestone concerning settlement	.10
06/16/2016	Carlo Sabatini	Receive and review email from Greene to Metcho regarding a fee demand after we settled Ms. Elaine's recovery	.10

As such, it is Defendants' position that each of these unnecessary and unreasonable duplicate entries should be removed from consideration of a fee award.

B. THE ESTIMATE OF REASONABLE ATTORNEYS' FEES AND COSTS THAT PLAINTIFF SHOULD BE ENTITLED TO RECOVER

Plaintiff's counsel has sought a total of \$131,697.53 (\$68,281.68 from Edelman, Combs, Lattuner & Goodwin LLC and \$63,415.85 from Sabatini Law Firm, LLC) in fees and expenses in this matter. As a matter of law, however, they are only entitled to reasonable attorney's fees and costs, at a reasonable rate, for their time expended in litigating this simplistic class action FDCPA matter. For the reasons set forth above, the fees and expenses sought should be reduced in the following ways (1) by reducing the hourly rates charged by Plaintiff's nine attorneys, (2) by excluding entries for clerical work,

(3) by excluding entries for intra-attorney communications, and (4) by excluding duplicate time entries. As set forth below, it is Defendants position that, after the reduction in rates and exclusions in billing entries, Plaintiff's reasonable attorneys' fees and costs are as follows:

Attorney	Rate	Hours Sought	Reduction
Daniel A. Edelman	\$350/hour	1.50	.4 hours
James O. Lattuner	\$350/hour	1.20	0 hours
Francis R. Greene	\$250/hour	109.30	7.9 hours
Michelle R. Tegelaar	\$200/hour	2.0	0 hours
Thomas E. Soule	\$200/hour	11.70	3.3 hours
Tiffany N. Hardy	\$200/hour	.10	.10 hours
Cassandra P. Miller	\$200/hour	.70	0 hours
Carlo Sabatini	\$300/hour	142.6	55.8 hours
Brett Freeman	\$200/hour	29.10	1.0 hours
Paralegals	\$75/hour	16.4	11.8 hours

As set forth in the table below, when this \$71,317.53 in reductions is deducted from the \$131,697.53 "grand total" on Plaintiff's counsel's billing records, the resulting amount of reasonable fees is \$60,380.00:

Fees Claimed	\$131,697.53
Less Warranted Reductions	(\$71,317.53)
Reasonable Fees To Which Plaintiffs' Counsel Is Entitled	<u>\$60,380.00</u>

III. CONCLUSION

For the reasons set forth above, Defendants, Credit Control, LLC, LVNV Funding, LLC, Resurgent Capital Services, LP and Alegis Group, LLC respectfully submit that Plaintiff is entitled to no more than \$60,380.00 for their counsel's fees and costs associated with the litigation of this matter.

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

/s/ Ronald M. Metcho / rmm5150

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Attorneys for Defendants

Credit Control, LLC, LVNV Funding, LLC,

Resurgent Capital Services, LP and

Alegis Group, LLC

Dated: December 23, 2016

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAWN ELAINE, for herself and a class

Plaintiff,

vs.

**CREDIT CONTROL, LLC,
LVNV FUNDING, LLC,
RESURGENT CAPITAL SERVICES,
LP and ALEGIS GROUP LLC,**

Defendants.

Civil Action No.

2:15-cv-01271-RAL

CERTIFICATE OF SERVICE

I, Ronald M. Metcho, Esquire, do hereby certify that Defendants, Credit Control, LLC, LVNV Funding, LLC, Resurgent Capital Services, LP and Alegis Group, LLC,s Response in Opposition to Plaintiff's Request for Attorneys' Fees and Costs was served upon all counsel by ECF on December 23, 2016.

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

By: /s/ Ronald M. Metcho / rmm5150
RONALD M. METCHO
Attorneys for Defendants
Credit Control, LLC, LVNV Funding, LLC,
Resurgent Capital Services, LP and
Alegis Group, LLC